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12 Attorneys for Defendant

13 ETSY, INC.

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**

16 AS YOU SOW, a 501(c)(3) non-profit
17 corporation,

18 Plaintiff,

19
20 v.

21 ETSY, INC. and DOES 1-20, inclusive,

22 Defendants.
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Case No.: 24-cv-04203-MMC

**DEFENDANT ETSY, INC.'S
SUPPLEMENTAL REQUEST FOR
JUDICIAL NOTICE IN SUPPORT OF
MOTION TO DISMISS**

Judge: Hon. Maxine M. Chesney

Date: October 11, 2024

Time: 9:00 a.m.

Location: Courtroom 7

SUPPLEMENTAL REQUEST FOR JUDICIAL NOTICE

Pursuant to Federal Rule of Evidence 201, Defendant Etsy, Inc. (“Etsy”), by and through its undersigned counsel, respectfully requests that the Court take judicial notice of Exhibits 1-16, true and correct copies of which are attached hereto. Etsy submits this Supplemental Request for Judicial Notice in support of its Motion to Dismiss. This Supplemental Request for Judicial Notice presents rebuttal evidence that directly rebuts the arguments in Plaintiff’s Opposition (Dkt. 20).

As established in Etsy’s initial Request for Judicial Notice in Support of its Motion to Dismiss (ECF Dkt. 8), the Court may take judicial notice of facts that “can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b)(2); *Shaw v. Ocwen Loan Servicing, LLC*, No. 15-CV-01755-JD, 2016 WL 7048979, at *2 (N.D. Cal. Dec. 5, 2016). A court generally cannot consider materials outside the pleadings on a motion to dismiss for failure to state a claim. *See* Fed. R. Civ. P. 12(b)(6). A court may, however, consider items of which it can take judicial notice without converting the motion to dismiss into one for summary judgment. *Barron v. Reich*, 13 F.3d 1370, 1377 (9th Cir. 1994). Furthermore, a court may also take judicial notice of “‘matters of public record’ without converting a Motion to Dismiss into a motion for summary judgment.” *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) (quoting *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986)). Accordingly, Etsy requests that the Court take judicial notice of the following documents:

1. The California Attorney General’s December 5, 2006 Letter referenced in *Nat’l Ass’n of Wheat Growers v. Zeise*, 309 F. Supp. 3d 842 (E.D. Cal. 2018), Case No: 17-CV-02401 (ECF Dkt. 66-8): This document is a publicly filed court record in a federal case. Judicial notice is appropriate. *See United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (The court “may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue”) (citation omitted); *Harris v. Cty. of Orange*, 682 F.3d 1126, 1131-32 (9th Cir. 2012) (courts “may take judicial notice of ... undisputed matters of public record, including documents on file in federal or state courts”). A true and correct copy of this document is attached hereto as **Exhibit 1**. Etsy requests judicial notice of this document because Plaintiff references in its Opposition (Dkt. 20

1 at 12 n. 7), but misstates the nature of the letter.

2 2. Summary of the May 24, 2017 Assembly Committee on Appropriations Hearing for
 3 Assembly Bill 1583: This summary of a legislative hearing is a matter of public record and is made
 4 available on the California Legislature’s website at the following website address:
 5 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB1583 (last
 6 accessed September 13, 2024). Judicial notice is appropriate as courts routinely take notice of the
 7 legislative history of state statutes pursuant to Rule 201. *See Sonoma Cnty. Ass’n of Retired*
 8 *Employees v. Sonoma Cnty.*, 708 F.3d 1109, 1120 n.8 (9th Cir. 2013) (taking judicial notice of
 9 legislative history on appeal from order granting motion to dismiss); *Chaker v. Crogan*, 428 F.3d
 10 1215, 1223 n.8 (9th Cir. 2005) (taking judicial notice of the legislative history of Cal. Penal Code §
 11 148.6); *King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial
 12 notice of the undisputed and publicly available information displayed on government websites”);
 13 *Eidmann v. Walgreen Co.*, 522 F. Supp. 3d 634, 642 (N.D. Cal. 2021) (“Documents published on
 14 government-run websites are proper for judicial notice given their reliability”); *County of Santa*
 15 *Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of
 16 information posted on a government website). A true and correct copy of this document is attached
 17 hereto as **Exhibit 2**. Etsy requests this judicial notice since Plaintiff selectively quoted a stray
 18 comment from the bill’s author (Dkt. 20 at 11), without providing the Court with the complete
 19 legislative history. The complete legislative history, including this document, demonstrates that the
 20 comment was not included anywhere in the rest of the legislative history, much less adopted by the
 21 full legislative body.

22 3. Summary of the June 21, 2017 State Committee on Environmental Quality Hearing
 23 for Assembly Bill 1583: This summary of a legislative hearing is a matter of public record and is
 24 made available on the California Legislature’s website at the following website address:
 25 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB1583 (last
 26 accessed September 13, 2024). Judicial notice is appropriate as courts routinely take notice of the
 27 legislative history of state statutes pursuant to Rule 201. *See Sonoma Cnty. Ass’n of Retired*
 28 *Employees v. Sonoma Cnty.*, 708 F.3d 1109, 1120 n.8 (9th Cir. 2013) (taking judicial notice of

1 legislative history on appeal from order granting motion to dismiss); *Chaker v. Crogan*, 428 F.3d
 2 1215, 1223 n.8 (9th Cir. 2005) (taking judicial notice of the legislative history of Cal. Penal Code §
 3 148.6); *King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial
 4 notice of the undisputed and publicly available information displayed on government websites”);
 5 *Eidmann v. Walgreen Co.*, 522 F. Supp. 3d 634, 642 (N.D. Cal. 2021) (“Documents published on
 6 government-run websites are proper for judicial notice given their reliability”); *County of Santa*
 7 *Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of
 8 information posted on a government website). A true and correct copy of this document is attached
 9 hereto as **Exhibit 3**. Etsy requests this judicial notice since Plaintiff selectively quoted a stray
 10 comment from the bill’s author (Dkt. 20 at 11), without providing the Court with the complete
 11 legislative history. The complete legislative history, including this document, demonstrates that the
 12 comment was not included anywhere in the rest of the legislative history, much less adopted by the
 13 full legislative body.

14 4. Summary of the July 11, 2017 Senate Judiciary Committee Hearing for Assembly
 15 Bill 1583: This summary of a legislative hearing is a matter of public record and is made available
 16 on the California Legislature’s website at the following website address:
 17 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB1583 (last
 18 accessed September 13, 2024). Judicial notice is appropriate as courts routinely take notice of the
 19 legislative history of state statutes pursuant to Rule 201. *See Sonoma Cnty. Ass’n of Retired*
 20 *Employees v. Sonoma Cnty.*, 708 F.3d 1109, 1120 n.8 (9th Cir. 2013) (taking judicial notice of
 21 legislative history on appeal from order granting motion to dismiss); *Chaker v. Crogan*, 428 F.3d
 22 1215, 1223 n.8 (9th Cir. 2005) (taking judicial notice of the legislative history of Cal. Penal Code §
 23 148.6); *King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial
 24 notice of the undisputed and publicly available information displayed on government websites”);
 25 *Eidmann v. Walgreen Co.*, 522 F. Supp. 3d 634, 642 (N.D. Cal. 2021) (“Documents published on
 26 government-run websites are proper for judicial notice given their reliability”); *County of Santa*
 27 *Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of
 28 information posted on a government website). A true and correct copy of this document is attached

hereto as **Exhibit 4**. Etsy requests this judicial notice since Plaintiff selectively quoted a stray comment from the bill's author (Dkt. 20 at 11), without providing the Court with the complete legislative history. The complete legislative history, including this document, demonstrates that the comment was not included anywhere in the rest of the legislative history, much less adopted by the full legislative body.

5. Summary of the August 21, 2017 Senate Committee on Appropriations Hearing for Assembly Bill 1583: This summary of a legislative hearing is a matter of public record and is made available on the California Legislature's website at the following website address: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB1583 (last accessed September 13, 2024). Judicial notice is appropriate as courts routinely take notice of the legislative history of state statutes pursuant to Rule 201. *See Sonoma Cnty. Ass'n of Retired Employees v. Sonoma Cnty.*, 708 F.3d 1109, 1120 n.8 (9th Cir. 2013) (taking judicial notice of legislative history on appeal from order granting motion to dismiss); *Chaker v. Crogan*, 428 F.3d 1215, 1223 n.8 (9th Cir. 2005) (taking judicial notice of the legislative history of Cal. Penal Code § 148.6); *King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take "judicial notice of the undisputed and publicly available information displayed on government websites"); *Eidmann v. Walgreen Co.*, 522 F. Supp. 3d 634, 642 (N.D. Cal. 2021) ("Documents published on government-run websites are proper for judicial notice given their reliability"); *County of Santa Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on a government website). A true and correct copy of this document is attached hereto as **Exhibit 5**. Etsy requests this judicial notice since Plaintiff selectively quoted a stray comment from the bill's author (Dkt. 20 at 11), without providing the Court with the complete legislative history. The complete legislative history, including this document, demonstrates that the comment was not included anywhere in the rest of the legislative history, much less adopted by the full legislative body.

6. Summary of the September 4, 2017 Senate Rules Committee Hearing for Assembly Bill 1583: This summary of a legislative hearing is a matter of public record and is made available on the California Legislature's website at the following website address:

1 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB1583 (last
 2 accessed September 13, 2024). Judicial notice is appropriate as courts routinely take notice of the
 3 legislative history of state statutes pursuant to Rule 201. *See Sonoma Cnty. Ass’n of Retired*
 4 *Employees v. Sonoma Cnty.*, 708 F.3d 1109, 1120 n.8 (9th Cir. 2013) (taking judicial notice of
 5 legislative history on appeal from order granting motion to dismiss); *Chaker v. Crogan*, 428 F.3d
 6 1215, 1223 n.8 (9th Cir. 2005) (taking judicial notice of the legislative history of Cal. Penal Code §
 7 148.6); *King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial
 8 notice of the undisputed and publicly available information displayed on government websites”);
 9 *Eidmann v. Walgreen Co.*, 522 F. Supp. 3d 634, 642 (N.D. Cal. 2021) (“Documents published on
 10 government-run websites are proper for judicial notice given their reliability”); *County of Santa*
 11 *Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of
 12 information posted on a government website). A true and correct copy of this document is attached
 13 hereto as **Exhibit 6**. Etsy requests this judicial notice since Plaintiff selectively quoted a stray
 14 comment from the bill’s author (Dkt. 20 at 11), without providing the Court with the complete
 15 legislative history. The complete legislative history, including this document, demonstrates that the
 16 comment was not included anywhere in the rest of the legislative history, much less adopted by the
 17 full legislative body.

18 7. Summary of the September 11, 2017 State Committee on Environmental Quality
 19 Hearing for Assembly Bill 1583: This summary of a legislative hearing is a matter of public record
 20 and is made available on the California Legislature’s website at the following website address:
 21 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB1583 (last
 22 accessed September 13, 2024). Judicial notice is appropriate as courts routinely take notice of the
 23 legislative history of state statutes pursuant to Rule 201. *See Sonoma Cnty. Ass’n of Retired*
 24 *Employees v. Sonoma Cnty.*, 708 F.3d 1109, 1120 n.8 (9th Cir. 2013) (taking judicial notice of
 25 legislative history on appeal from order granting motion to dismiss); *Chaker v. Crogan*, 428 F.3d
 26 1215, 1223 n.8 (9th Cir. 2005) (taking judicial notice of the legislative history of Cal. Penal Code §
 27 148.6); *King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial
 28 notice of the undisputed and publicly available information displayed on government websites”);

1 *Eidmann v. Walgreen Co.*, 522 F. Supp. 3d 634, 642 (N.D. Cal. 2021) (“Documents published on
 2 government-run websites are proper for judicial notice given their reliability”); *County of Santa*
 3 *Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of
 4 information posted on a government website). A true and correct copy of this document is attached
 5 hereto as **Exhibit 7**. Etsy requests this judicial notice since Plaintiff selectively quoted a stray
 6 comment from the bill’s author (Dkt. 20 at 11), without providing the Court with the complete
 7 legislative history. The complete legislative history, including this document, demonstrates that the
 8 comment was not included anywhere in the rest of the legislative history, much less adopted by the
 9 full legislative body.

10 8. Summary of the September 14, 2017 State Committee on Environmental Quality
 11 Hearing for Assembly Bill 1583: This summary on a legislative hearing is a matter of public record
 12 and is made available on the California Legislature’s website at the following website address:
 13 https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201720180AB1583 (last
 14 accessed September 13, 2024). Judicial notice is appropriate as courts routinely take notice of the
 15 legislative history of state statutes pursuant to Rule 201. *See Sonoma Cnty. Ass’n of Retired*
 16 *Employees v. Sonoma Cnty.*, 708 F.3d 1109, 1120 n.8 (9th Cir. 2013) (taking judicial notice of
 17 legislative history on appeal from order granting motion to dismiss); *Chaker v. Crogan*, 428 F.3d
 18 1215, 1223 n.8 (9th Cir. 2005) (taking judicial notice of the legislative history of Cal. Penal Code §
 19 148.6); *King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial
 20 notice of the undisputed and publicly available information displayed on government websites”);
 21 *Eidmann v. Walgreen Co.*, 522 F. Supp. 3d 634, 642 (N.D. Cal. 2021) (“Documents published on
 22 government-run websites are proper for judicial notice given their reliability”); *County of Santa*
 23 *Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of
 24 information posted on a government website). A true and correct copy of this document is attached
 25 hereto as **Exhibit 8**. Etsy requests this judicial notice since Plaintiff selectively quoted a stray
 26 comment from the bill’s author (Dkt. 20 at 11), without providing the Court with the complete
 27 legislative history. The complete legislative history, including this document, demonstrates that the
 28

comment was not included anywhere in the rest of the legislative history, much less adopted by the full legislative body.

9. The California Attorney General’s March 14, 2006 Letter Regarding Second-Hand Smoke: The California Attorney General’s March 14, 2006 letter is a matter of public record and is publicly available on the California Attorney General’s website: https://oag.ca.gov/sites/all/files/agweb/pdfs/prop65/ATM_Ltr.pdf (last accessed September 13, 2024). Judicial notice is appropriate. *See King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial notice of the undisputed and publicly available information displayed on government websites”); *Daugherty v. Experian Info. Solutions, Inc.*, 847 F. Supp. 2d 1189, 1193 (N.D. Cal. 2012) (“The opinions of State Attorney Generals are judicially noticeable.”); *Nichols v. Brown*, 945 F. Supp. 2d 1079, 1091 n.4 (C.D. Cal. 2013) (same); *Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 851 n.10 (9th Cir. 2016) (“courts routinely take judicial notice of letters published by the government”); *County of Santa Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on a government website). A true and correct copy of this document is attached hereto as **Exhibit 9**. The Attorney General’s conclusion demonstrates that, unlike in this case, the Attorney General sometimes issues no-merit letters that do not withdraw the authority of the private enforcer to pursue a lawsuit in the public interest.

10. The California Attorney General’s December 7, 2018 Letter Regarding Lead in Juice: The California Attorney General’s December 7, 2018 letter is a matter of public record and is publicly available on the California Attorney General’s website: <https://oag.ca.gov/sites/all/files/agweb/pdfs/prop65/letter-juices-violation-120718.pdf> (last accessed September 13, 2024). Judicial notice is appropriate. *See King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial notice of the undisputed and publicly available information displayed on government websites”); *Daugherty v. Experian Info. Solutions, Inc.*, 847 F. Supp. 2d 1189, 1193 (N.D. Cal. 2012) (“The opinions of State Attorney Generals are judicially noticeable.”); *Nichols v. Brown*, 945 F. Supp. 2d 1079, 1091 n.4 (C.D. Cal. 2013) (same); *Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 851 n.10 (9th Cir. 2016) (“courts routinely

1 take judicial notice of letters published by the government”); *County of Santa Clara v. Astra USA,*
 2 *Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on
 3 a government website). A true and correct copy of this document is attached hereto as **Exhibit 10**.
 4 The Attorney General’s conclusion demonstrates that, unlike in this case, the Attorney General
 5 sometimes issues no-merit letters that do not withdraw the authority of the private enforcer to pursue
 6 a lawsuit in the public interest.

7 11. The California Attorney General’s April 27, 2020 Letter Regarding Laboratory
 8 Chemicals: The California Attorney General’s April 27, 2020 letter is a matter of public record and
 9 is publicly available on the California Attorney General’s website:
 10 <https://oag.ca.gov/sites/all/files/agweb/pdfs/prop65/letter-weston-042720.pdf> (last accessed
 11 September 13, 2024). Judicial notice is appropriate. *See King v. Cnty. of Los Angeles*, 885 F.3d
 12 548, 555 (9th Cir. 2018) (a court may take “judicial notice of the undisputed and publicly available
 13 information displayed on government websites”); *Daugherty v. Experian Info. Solutions, Inc.*, 847
 14 F. Supp. 2d 1189, 1193 (N.D. Cal. 2012) (“The opinions of State Attorney Generals are judicially
 15 noticeable.”); *Nichols v. Brown*, 945 F. Supp. 2d 1079, 1091 n.4 (C.D. Cal. 2013) (same); *Smith v.*
 16 *Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 851 n.10 (9th Cir. 2016) (“courts routinely take
 17 judicial notice of letters published by the government”); *County of Santa Clara v. Astra USA, Inc.*,
 18 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on a
 19 government website). A true and correct copy of this document is attached hereto as **Exhibit 11**.
 20 The Attorney General’s conclusion demonstrates that, unlike in this case, the Attorney General
 21 sometimes issues no-merit letters that do not withdraw the authority of the private enforcer to pursue
 22 a lawsuit in the public interest.

23 12. The California Attorney General’s April 30, 2020 Letter Regarding Laboratory
 24 Chemicals: The California Attorney General’s April 30, 2020 letter is a matter of public record and
 25 is publicly available on the California Attorney General’s website:
 26 <https://oag.ca.gov/sites/all/files/agweb/pdfs/prop65/letter-weston-043020.pdf> (last accessed
 27 September 13, 2024). Judicial notice is appropriate. *See King v. Cnty. of Los Angeles*, 885 F.3d
 28 548, 555 (9th Cir. 2018) (a court may take “judicial notice of the undisputed and publicly available

information displayed on government websites”); *Daugherty v. Experian Info. Solutions, Inc.*, 847 F. Supp. 2d 1189, 1193 (N.D. Cal. 2012) (“The opinions of State Attorney Generals are judicially noticeable.”); *Nichols v. Brown*, 945 F. Supp. 2d 1079, 1091 n.4 (C.D. Cal. 2013) (same); *Smith v. Los Angeles Unified Sch. Dist.*, 830 F.3d 843, 851 n.10 (9th Cir. 2016) (“courts routinely take judicial notice of letters published by the government”); *County of Santa Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on a government website). A true and correct copy of this document is attached hereto as **Exhibit 12**. The Attorney General’s conclusion demonstrates that, unlike in this case, the Attorney General sometimes issues no-merit letters that do not withdraw the authority of the private enforcer to pursue a lawsuit in the public interest.

13. Plaintiff As You Sow’s Notice of Violation dated May 20, 2024: Plaintiff As You Sow filed this notice of violation with the California Attorney General on May 20, 2024 in another case. This letter is a matter of public record and is publicly available on the California Attorney General’s website: <https://oag.ca.gov/system/files/prop65/notices/2024-01991.pdf> (last accessed September 13, 2024). Judicial notice is appropriate. *See King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial notice of the undisputed and publicly available information displayed on government websites”); *County of Santa Clara v. Astra USA, Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on a government website). A true and correct copy of this document is attached hereto as **Exhibit 13**. Etsy requests judicial notice because this document demonstrates that, contrary to Plaintiff’s argument, Plaintiff does not always name Danielle Fugere as its “responsible individual” in its Proposition 65 notices. In this notice of violation, Plaintiff named no responsible individual at all, in violation of the statute.

14. Plaintiff As You Sow’s Notice of Violation dated December 9, 2022: 13. Plaintiff As You Sow filed this notice of violation with the California Attorney General on December 9, 2022 in another case. This letter is a matter of public record and is publicly available on the California Attorney General’s website: <https://oag.ca.gov/system/files/prop65/notices/2022-02965.pdf> (last accessed September 13, 2024). Judicial notice is appropriate. *See King v. Cnty. of Los Angeles*, 885 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial notice of the undisputed and publicly

1 available information displayed on government websites”); *County of Santa Clara v. Astra USA,*
 2 *Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on
 3 a government website). A true and correct copy of this document is attached hereto as **Exhibit 14**.
 4 Etsy requests judicial notice because this document demonstrates that, contrary to Plaintiff’s
 5 argument, Plaintiff does not always name Danielle Fugere as its “responsible individual” in its
 6 Proposition 65 notices. In this notice of violation, Plaintiff named Jonathan Kirkland as its
 7 responsible individual.

8 15. Plaintiff As You Sow’s Notice of Violation dated August 31, 2018: Plaintiff As You
 9 Sow filed this notice of violation with the California Attorney General on August 31, 2018 in another
 10 case. This letter is a matter of public record and is publicly available on the California Attorney
 11 General’s website: <https://oag.ca.gov/system/files/prop65/notices/2018-01640.pdf> (last accessed
 12 September 13, 2024). Judicial notice is appropriate. *See King v. Cnty. of Los Angeles*, 885 F.3d
 13 548, 555 (9th Cir. 2018) (a court may take “judicial notice of the undisputed and publicly available
 14 information displayed on government websites”); *County of Santa Clara v. Astra USA, Inc.*, 401 F.
 15 Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on a government
 16 website). A true and correct copy of this document is attached hereto as **Exhibit 15**. Etsy requests
 17 judicial notice because this document demonstrates that, contrary to Plaintiff’s argument, Plaintiff
 18 does not always name Danielle Fugere as its “responsible individual” in its Proposition 65 notices.
 19 In this notice of violation, Plaintiff named Sylvia Wu as its responsible individual.

20 16. Plaintiff As You Sow’s Notice of Violation dated November 10, 2017: Plaintiff As
 21 You Sow filed this notice of violation with the California Attorney General on November 10, 2017
 22 in another case. This letter is a matter of public record and is publicly available on the California
 23 Attorney General’s website: <https://oag.ca.gov/system/files/prop65/notices/2017-02474.pdf> (last
 24 accessed September 13, 2024). Judicial notice is appropriate. *See King v. Cnty. of Los Angeles*, 885
 25 F.3d 548, 555 (9th Cir. 2018) (a court may take “judicial notice of the undisputed and publicly
 26 available information displayed on government websites”); *County of Santa Clara v. Astra USA,*
 27 *Inc.*, 401 F. Supp. 2d 1022, 1024 (N.D. Cal. 2005) (taking judicial notice of information posted on
 28 a government website). A true and correct copy of this document is attached hereto as **Exhibit 16**.

1 Etsy requests judicial notice because this document demonstrates that, contrary to Plaintiff's
2 argument, Plaintiff does not always name Danielle Fugere as its "responsible individual" in its
3 Proposition 65 notices. In this notice of violation, Plaintiff named Ellison Folk, an outside attorney,
4 as its responsible individual.

5
6 DATED: September 17, 2024

Respectfully submitted,

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8 McGUIREWOODS LLP

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10 By: /s/ Nicholas J. Hoffman

11 Samuel L. Tarry, Jr. (*PHV Forthcoming*)

12 Nicholas J. Hoffman

13 Aria Hangval

14 Attorneys for Defendant

15 ETSY, INC.
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CERTIFICATE OF SERVICE

I hereby certify that on **September 17, 2024**, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and service via transmittal of a Notice of Electronic Filing.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on **September 17, 2024** at Los Angeles, California.

By: /s/ Nicholas J. Hoffman
Nicholas J. Hoffman
Attorneys for Defendant
ETSY, INC.